

# Two-thirds majority for tax hikes is unconstitutional

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Two Republican state senators, frustrated that the will of the voters has been thwarted, are pitching a plan to circumvent a state Supreme Court ruling. The justices said a constitutional amendment is the only way to impose a requirement that tax increases need two-thirds majorities in each house of the Legislature for approval.

Sens. Mike Baumgartner and Doug Ericksen want the new Republican majority in the Senate to change procedural rules requiring a two-thirds vote to bring any bill with a tax increase to the floor for a final vote.

While the senators' frustration is understandable given that voters have on four separate occasions approved ballot measures requiring the two-thirds threshold for tax increase, their proposal is nothing but a slick political trick that will hold up only as long as Republican retain control of the Senate.

"What the Supreme Court took away, the Legislature can return — and it's about time we did it," said Baumgartner, a Spokane lawmaker. "The Supreme Court can make its rulings in its chamber. The Senate makes its own rules in ours."

But the powers of the high court and the Legislature are different. So, too, are the powers of the governors who oversee the executive branch of government. This division of power was done for a reason, as a way to ensure no branch of government was too powerful.

Circumventing the Supreme Court isn't the right approach. Taking the appropriate and legal course of action — seeking to change the Constitution — is.

The threshold to change the state Constitution is significantly higher than approving a law in the Legislature or by an initiative to the people.

It requires a two-thirds majority of both houses of the Legislature as well as approval by the people by a simple majority. Getting the people's support will be easier than gaining two-thirds majority in the House or Senate. The Democrat-controlled House and the GOP-run Senate aren't likely to go in the same direction.

Changing the state Constitution isn't supposed to be easy. The state's founders, like the founders of other states and the nation, put this onerous process in place to ensure great thought was given to changes in the way government operates.

The difficult process was established to ensure important changes weren't done on a whim and would be altered each time power shifted from one political party to another.

It was also put in place to prevent tricks and gimmicks such as the one being proposed by Baumgartner and Erickson from circumventing the system.